

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JESSICA LITZINGER,

*

Plaintiff

*

v.

*

Civil Action No.: JFM-02-CV-4115

BRADLEY MCGUIRK,

*

Defendant

*

* * * * *

DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME

Bradley McGuirk, Defendant, through his attorney, Donald E. Hoffman, Assistant Attorney General, pursuant to Fed. R. Civ. P. 6 (b) and Local Rule 105.9 hereby requests an enlargement of time to respond to Plaintiff's Complaint, and in support says:

1. That service of summons and Complaint on Defendant Bradley McGuirk occurred on July 30, 2003. Thus, Defendant's response would be due, to this Honorable Court, no later than August 19, 2003.

2. That the Office of the Attorney General will likely be representing the Defendant. However, before such representation can be undertaken, Maryland law requires the Office of the Attorney General to "investigate[s] the facts on which the action or proceeding is based" to determine the Defendant's eligibility for representation. See, Md. State Gov't Code Ann. §12-304(a)(1)(iii) and (iv) (1999 Repl. Vol.).

3. The investigation has begun but is being complicated by the inclusion of

allegations of “malice, gross negligence, or a reckless disregard of Plaintiff’s rights” as included in paragraph 19 of the Complaint.

4. That on August 12, 2003, undersigned counsel spoke to Plaintiff’s attorney of record, Duane A. Verderaime, Esquire requesting an additional 20 days to respond to the Complaint. Mr. Verderaime verbally agreed to such an enlargement of time thus making Defendant’s response to the Complaint due no later than September 8, 2003.

WHEREFORE, the Defendant respectfully requests:

- A. An extension of 20 days to respond to Plaintiff’s Complaint.
- B. For such other and further relief as the nature of his cause may require.

Respectfully submitted,

/s/

Donald E. Hoffman
Assistant Attorney General
Maryland State Police
1201 Reisterstown Road
Pikesville, Maryland 21208
410-653-4227

Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 13th day of August, 2003, I caused to be served, by and through E-Filing with the United State's District Court for the District of Maryland, Defendant's Motion for Enlargement of Time and proposed Order to Duane A. Verderaime, Esquire, Verderaime & DuBois, P.A., 1231 North Calvert Street, Baltimore, Maryland 21202, Attorney for Plaintiff.

_____/s/_____
Donald E. Hoffman
Assistant Attorney General